



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/743,222   | 12/22/2003  | Timothy J. Blenke    | KCC 4932 (K-C 18,580) | 7640             |
| 321  | 7590        | 04/05/2006           | EXAMINER              |                  |
| SENNIGER POWERS<br>ONE METROPOLITAN SQUARE<br>16TH FLOOR<br>ST LOUIS, MO 63102 |             |                      | KRUEER, KEVIN R       |                  |
|  |             |                      | ART UNIT              | PAPER NUMBER     |
|  |             |                      | 1773                  |                  |

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/743,222

**Applicant(s)**

BLENKE ET AL.

**Examiner**

Kevin R. Kruer

**Art Unit**

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Janaury 23, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-104 is/are pending in the application.
- 4a) Of the above claim(s) 11,12,14,15,17-25,27-78,89,90,92,93 and 95-103 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10,13,16,26,79-88,91,94 and 104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/05; 2/13/06</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 11, 12, 14, 15, 17-25, 27-78, 89, 90, 92, 93, and 95-103 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 27, 2005.

***Information Disclosure Statement***

2. The information disclosure statements filed 9/26/2005 and 2/13/2006 have been fully considered. Initialed copies of said IDSs are enclosed herein.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhou et al (US 2002/0123538A1).

Zhou teaches an adhesive comprising an atactic polymer having a degree of crystallinity of less than about 20% and a number average molecular weight between about 1,000 and 300,000; and an isotactic polymer having a degree of crystallinity of at least about 40% and a number-average molecular weight between about 3,000 and 200,000 (claim 1). The atactic polymer may be polypropylene (claim 18), as is the isotactic polymer (claim 21). The adhesive is melt processable at less than about 4000 degrees Fahrenheit (claim 11) and the adhesive has a melt index of about 100 to about 20000 grams per 10min (claim 14). The atactic polymer comprises about 50-90wt%

Art Unit: 1773

atactic polymer and between about 5-50wwt% isotactic polymer (claim 17). The adhesive may comprise various filler 90071) and may be used to bond polyethylene to polypropylene (paragraph 0059 and 0072).

***Double Patenting***

5. The provisional rejection of claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-113 of copending Application No. 10/744,332 (herein referred to as Nickel) has been overcome by the terminal disclaimer filed 1/23/2006.

The provisional rejection of claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-92 of copending Application No. 10/743,174 (herein referred to as Blenke) has been overcome by the terminal disclaimer of 1/23/2006.

6. The rejection of claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-70 of U.S. Patent No. US 6,774,069 (herein referred to as Zhou) has been overcome by the terminal disclaimer filed 1/23/2006.

7. The rejection of claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. US 6,887,941 (herein referred to as Zhou) has been overcome by the terminal disclaimer filed 1/23/2006.

### ***Response to Arguments***

Applicant's arguments filed January 23, 2006 have been fully considered but they are not persuasive.

Applicant argues Zhou fails to disclose a laminated structure comprising an adhesive, a first material and a second material wherein the first and second material are dissimilar or non-bondable materials that are ultrasonically bonded together. The examiner respectfully disagrees. Zhou teaches the composition may be utilized as a composition to bond two materials together wherein the two materials may be the same or different than each other ((0059). Furthermore, Zhou teaches the adhesive may be bonded by the use of ultrasonic energy (0067). Thus, the rejection is maintained.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1773

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer  
Patent Examiner-Art Unit 1773